

Design District Review Team Bylaws

ARTICLE I NAME

The name of this organization shall be the Design District Review Team (DDRT).

ARTICLE II OBJECT AND PURPOSE

The purpose of the Design District Review Team is to assist in protecting the local architectural heritage and preserving the considerable economic investments that have occurred over the years. The DDRT process seeks to encourage renovation and new development in a manner that will promote visual harmony, historical integrity, and creative design solutions.

ARTICLE III POWERS

The powers of the Design District Review Team, as set forth in the Unified Development Ordinance, are:

- A. To review all development in the Downtown Design Overlay District for compliance with the applicable design guidelines.
- B. To review all development in the Transitional Use Area of the University-College District for compliance with the applicable design guidelines.
- C. To review development in areas designated by ordinance or policy as directed by the Governing Bodies.
- D. To review requests for variations in Common Signage Plans for development in the Downtown and Compact Neighborhood Tiers and the Mixed-Use District.
- E. To periodically review and make recommendations for changes to the design guidelines as necessary.

ARTICLE IV MEMBERSHIP AND ORGANIZATION

Section 1. Composition

The Design District Review Team shall be comprised of the following members:

- A. A representative from the General Services Department;

- B. A representative from the Public Works Department;
- C. Two representatives from the Planning Department with expertise in urban design, historic preservation, or design review;
- D. A representative from the Office of Economic and Workforce Development;
- E. Two citizen appointees, one being appointed by the City Council and the other being appointed by the Board of Commissioners preferably with expertise in a design field such as architecture, landscape architecture, or urban design;
- F. A representative from the Durham City-County Appearance Commission; and
- G. In submittals where street trees within the right-of-way are proposed, an additional member shall be designated by the Public Works Director with expertise in urban forestry.

Section 2. Qualifications

Citizen members shall have expertise in a design field such as architecture, landscape design, urban design or a related field. Citizen members shall also meet those general qualifications specified by the appointing body, which are requirements for all individuals serving on a governmental board or commission.

Section 3. Terms

Citizen members shall be appointed by the City Council for staggered two (2) year terms and may serve a maximum of three (3) consecutive terms. Citizen members may continue to serve until their successors have been appointed. Citizen vacancies occurring for reasons other than the expiration of terms shall be filled by the City Council as they occur for the period of time of the unexpired term. Appointees filling an unexpired term are eligible for appointment for two (2) additional full terms.

Staff members shall serve unlimited terms. The respective departments shall be responsible for sending a representative, whether as a regular member or as an alternate. Staff members resigning from the Team may continue to serve until their respective departments have appointed their successors.

The members of the Design District Review Team shall serve without compensation.

Section 4. Removal of Members

Any DDRT member may be removed by their appointing body for violation of the attendance, ethics or conflict of interest provisions of the Bylaws, or for any other reason deemed sufficient by the City Council or respective department. The Chair shall request the removal of any member who has violated the attendance policy.

In addition, a DDRT citizen member may be removed by the City Council for non-payment of taxes, or for moving out of the jurisdiction under which the appointment was made.

Section 5. Duties and Responsibilities

The DDRT, meeting as a whole, shall exercise the powers enumerated in Article III, except when it explicitly authorizes an officer or committee to act for it in a specific instance.

The DDRT, meeting as a whole, shall elect its officers.

Section 6. Meetings

Regular Meeting Schedule The DDRT shall set its meeting schedule. The Chair may call a meeting of the DDRT at any time by giving oral or written notice to all members in advance. Meetings shall also be scheduled upon request of at least four (4) members of the Team. All meetings shall be subject to the applicable provisions of the North Carolina Open Meetings Law, NCGS Chapter 143, Article 33C. Notification of meetings must occur at least 48 hours in advance.

Special Meetings The Chair may call a special meeting of the Commission at any time by giving oral or written notice to all members at least 48 hours in advance, and in compliance with North Carolina Open Meetings Law. Special meetings shall also be scheduled upon request of at least four (4) members of the Commission.

Meeting Minutes The DDRT shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations and other actions. Meetings may be held anywhere in or outside of Durham County, as circumstances reasonably require. Notice of such meetings shall be given as required by law.

Cancellation of Meetings Whenever there is no business to come before the DDRT, the Chair may dispense with a scheduled meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

Section 7. Quorum and Voting

A quorum is necessary for the transaction of business at any meeting of the DDRT. A quorum shall be considered a majority of the voting members of the DDRT. Alternates shall be considered voting members when their respective department's regular member is not in attendance, or if a quorum cannot be attained without them. All actions shall be decided by a majority vote of the voting members. If a quorum is present and the early departure of a member results in the lack of a quorum, the member should notify the Chair of the need to depart early before the meeting starts. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted "present" and voting "yes." Abstentions shall only be allowed in cases of conflicts of interest.

Section 8. Attendance

It is expected that DDRT citizen members and staff members (or an alternate from their department) will regularly attend its meetings. Members may forfeit the remainder of their terms

and may be replaced under the following conditions:

- A. A member who has missed three consecutive scheduled meetings due to unexcused absences within a one-year period of time; or
- B. A member who has missed two thirds of the scheduled meetings, whether excused or unexcused, within a one-year period of time.

When the DDRT finds that a member has become disqualified for membership because of his or her attendance record or residence, business or property address, the Chair of the Team shall notify the City Clerk so that a new member may be appointed for the remainder of the unexpired term.

Section 9. Excused and Unexcused Absences

A member who will be unable to attend a scheduled meeting of the DDRT must contact the Chair or Secretary at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. The Team will be notified of the absence and reason at the beginning of the meeting. Members who give less than 24 hours notice will be considered unexcused, with the exception of emergencies or sudden illnesses. (Twenty-four hour notification is important to allow the Chair to know whether a quorum will be present in sufficient time to cancel the meeting if necessary.)

Section 10. External Representation

The Chair shall serve as the sole spokesperson for the DDRT. The Chair may also, at his/her discretion, appoint another member to speak on behalf of the Team. DDRT members attending public meetings shall not speak or act as representatives unless appointed by the Chair to do so, nor shall they use their DDRT membership as leverage in a public meeting to further their personal goals.

ARTICLE V OFFICERS

Section 1. Officers and Terms of Office

The elected officers shall consist of a Chair and a Vice Chair, whose terms shall be for one year. The terms of these officers shall begin January 1 of each year.

Section 2. Chair

The Chair shall prepare agendas for and preside over the DDRT meetings. The Chair shall sign all documents relative to action taken by the Team.

Section 3. Vice Chair

The Vice Chair shall assist the Chair and perform the duties and exercise the powers of the Chair in

his absence.

Section 4. Vacancy

A vacancy in the office of the Chair is filled by the Vice Chair for the balance of the Chair's term. In the event of a vacancy in the office of Vice Chair, the vacancy shall be filled by a nomination and election at the next scheduled meeting following the meeting at which the vacancy has been announced.

Section 5. Election of Officers

The nomination and election of the Chair and Vice Chair shall occur during the first DDRT meeting of the calendar year. Nominations shall be taken from the floor, and nominees must be voting members of the DDRT. In the event of two or more candidates for one office, there shall be a secret written ballot. Election shall be by a majority of those present and voting.

ARTICLE VI ETHICS POLICY

All members of the DDRT are subject to the Statement of Principles for the City of Durham, the Durham Code of Ethics, and the Durham County Ethics Policy. Attached copies are hereby made a part of these bylaws.

Section 1. Conflicts of Interest

DDRT members hold their positions for the benefit of the public. Conflicts of interest can arise in situations in which a DDRT member's duty to act in the public interest conflicts with a potential desire to advance his or her own interest. Several types of conflict of interest can affect impartiality. They include financial conflicts, conflicts by associations with those affected by a decision, and personal bias. As a general rule, DDRT members shall refrain from taking part in actions that might reasonably call into question the impartiality and fairness of those decisions. The intent is to limit advocacy, pressure, or undue influence where a conflict exists, not to prevent persons from providing useful information.

In order to avoid potential conflicts of interest, DDRT members shall declare at the beginning of a discussion, any potential conflict of interest as defined below.

Section 2. Financial Conflicts

No DDRT member shall take part in any discussion, consideration, determination or vote, other than to provide information, concerning a property in which the DDRT member or a close relative (spouse, sibling, child or parent):

- A. is the applicant before the DDRT;
- B. owns property within 600 feet of the subject property; or

- C. has a financial interest in the subject property or improvements to be undertaken thereon.

Section 3. Conflicts by Association

Confidence in the recommendations by the DDRT may be affected not only in situations of actual conflict, but also in situations that have the appearance of impropriety. Therefore, no DDRT member shall take part in any discussion, consideration, determination or vote, other than to provide information, concerning issues in which a personal or business associate or employer of the DDRT member:

- A. is the applicant before the DDRT;
- B. owns property within 600 feet of the subject property; or
- C. has a financial interest in the subject property or improvements to be undertaken thereon.

In situations that involve a non-profit or private organization for which a DDRT member is an officer or board member, he or she shall be required to publicly disclose that association and shall not take part in any discussion, consideration, determination or vote concerning said situation, other than to provide information.

Violation of this ethics and conflict of interest provision shall be cause for removal of a DDRT member.

ARTICLE VII ADMINISTRATIVE REVIEW

The Planning Director and the DDRT have delegated the responsibility of issuing recommendations for the following types of work to the appropriate staff person:

- A. Simplified Site Plans which are not requesting any variations or waivers of guidelines; and
- B. Common Signage Plan variation requests which are requesting only one additional font or color.

ARTICLE VIII BYLAWS AND AMENDMENTS

Section 1. General Rules

The DDRT Bylaws shall be consistent with the Unified Development Ordinance and any other applicable City policies. For procedures not covered by these rules, the DDRT shall follow the rules contained in the current edition of Robert's Rules of Order, Revised.

Section 2. Amendments

These Bylaws may be amended by a two-thirds vote of the members at any regular meeting of the DDRT, provided that the text of the proposed amendment has been presented at the previous meeting and mailed to the members at least two weeks advance of the meeting at which it is to be voted upon.

Any amendments must be consistent with the Unified Development Ordinance and any other applicable City policies.